

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

CHOICE SCOTT,

Plaintiff,

V.

SUMMONS IN A CIVIL ACTION

BRIAN FISCHER; GLENN ... GOORD;
RICHARD de SIMONE; AUDREY THOMPSON;
and JOHN DOES, Nos. 1-10 (members of the
New York State Department of Correctional
Services whose names are presently unknown
to plaintiff),

Defendants.

CASE NUMBER:

07 CV 11303

JUDGE BUCHWALD

TO: (Name and address of Defendant)

RICHARD de SIMONE
New York State Department of Correctional Services
Harrison State Campus
Building No. 2
1220 Washington Avenue
Albany, New York 12226-2050

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ROBERT T. PERRY
350 Broadway, Suite 1207
New York, New York 10013
(212) 219-9410

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Warios Quintero

DATE

DEC 17 2007

(By) DEPUTY CLERK

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (<i>PRINT</i>)	TITLE

☐ Served personally upon the defendant. Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☐ Other (specify):

TRAVEL	SERVICES	TOTAL \$0.00
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I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date _____ Signature of Server _____

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

C9P - PERSONAL
ROBERT T. PERRY

UNITED STATES SOUTHERN DIST. COURT - NEW YORK COUNTY

CHOICE SCOTT,
PLAINTIFF

- vs. -

BRIAN FISCHER ET AL,
DEFENDANT

Index No: 07CV11303
Date Filed: 00/00/0000
Office No:
Court Date: N/A

STATE OF NEW YORK COUNTY OF NEW YORK :SS:

STEVEN AVERY being duly sworn, deposes and says;

I AM OVER THE AGE OF 18 YEARS AND RESIDE IN THE STATE OF NEW YORK.

That on 01/10/2008 at 11:10AM at 1220 WASHINGTON AVENUE %NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES HARRISON STATE CAMPUS BUILDING NO.2, ALBANY, NY 12226, I served the SUMMONS AND COMPLAINT JURY TRIAL DEMAND upon RICHARD DE SIMONE the DEFENDANT therein by delivering and leaving a true copy or copies of the aforementioned documents with said DEFENDANT personally.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of service as follows:

SEX: MALE

COLOR: WHITE

HAIR: GRAY

APP. AGE: 55

APP. HT: 5'8

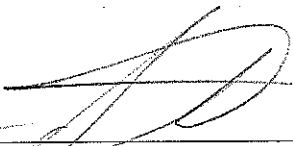
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OTHER IDENTIFYING FEATURES:

That at the time of such service I knew the person so served as aforesaid to be the same person mentioned and described in the aforementioned documents as RICHARD DE SIMONE the DEFENDANT in this action.

Sworn to before me on 01/16/2008.

NEIL SIMENSKY
Notary Public, State of New York
No. 01SI4767841
Qualified in NEW YORK
Commission Expires 12/31/2010


STEVEN AVERY
AAA ATTORNEY SERVICE CO. OF NY, INC.
20 VESEY ST., ROOM 1110
NEW YORK, NY 10007
Ref#: 1RTP923994
AP

